

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

GORDON ALAN GEFROH,

Plaintiff,

vs.

BETH CRAWFORD; FREDERICK BOSS;
TIFFANY DEATON; LOCKE WILLIAMS;
and MATTHEW DONOHUE,

Defendants.

Case No. 6:20-cv-00471-MK
OPINION AND ORDER

AIKEN, District Judge:

United States Magistrate Judge Mustafa T. Kasubhai issued Findings and Recommendation (“F&R”) (doc. 60) in this case on February 8, 2021. In the F&R, Judge Kasubhai recommended that defendant Beth Crawford’s and State Defendants’ Motions to Dismiss (docs. 42, 45) be granted and that this case be dismissed with prejudice. Judge Kasubhai concluded that the Second Amended Complaint (doc. 40) failed to allege that Crawford acted under color of state law and

that the claims against State Defendants are barred by the Eleventh Amendment and Judicial Immunity.

Plaintiff filed timely objections. Doc. 67. Accordingly, the Court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered plaintiff’s objections and conclude there is no basis to modify the F&R. Plaintiff objects that further amendment would not be futile and includes proposed amendments in his objections. But those amendments do not correct the deficiencies that led Judge Kasubhai to conclude that the claims should be dismissed. I have also reviewed the pertinent portions of the record *de novo* and find no errors in Judge Kasubhai’s F&R.

Plaintiff’s request for “leave, and 7 days more time, to file a Supplemental document, to add some case law” is DENIED. Objections (doc. 67) at 2. Plaintiff already received a 30-day extension of time to file these objections despite his failure to comply with the District’s conferral requirements. Doc. 63 (citing Local Rule (“LR”) 7-1). Plaintiff was warned that the Court would “summarily deny any future motions that fail to comply with LR 7-1.” *Id.* Here, plaintiff has failed to certify that he conferred with defendants on this motion for leave, as required under LR 7-1 (a)(1), and failed to comply with LR 7-1(b), which provides that “[e]very motion must concisely state the relief sought and be stated in a separate section under the heading

‘Motion’” and that “[m]otions may not be combined with any response, reply, or other pleading.

In sum, the Court ADOPTS Judge Kasubhai’s F&R (doc. 60). Crawford’s Motion to Dismiss (doc. 42) and State Defendants’ Motion to Dismiss (doc. 45) are GRANTED, State Defendants’ Motion for an Extension of Time (doc. 43) is GRANTED, and plaintiff’s motions for extensions of time (docs. 32, 33) to respond defendants’ first motions to dismiss (docs. 15, 21) are DENIED as moot, as Judge Kasubhai previously denied those motions to dismiss as moot (doc. 47).

This action is DISMISSED with prejudice and a judgment shall be entered accordingly.

IT IS SO ORDERED.

Dated this 26th day of March 2021.

/s/Ann Aiken
Ann Aiken
United States District Judge